

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, November 12, 2015, in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 6:00 P.M. by the Chair.

Present: Council Majority Leader Archetto, Chair
Councilman Mario Aceto, Vice-Chair
Councilman Steven A. Stycos
Councilman Michael J Farina
Council President John E. Lanni, Jr.

Absent: Councilman Donald Botts, Jr.

Also Present: Council Vice-President Richard D. Santamaria, Jr.
Council Minority Leader Michael W. Favicchio
Councilman Christopher G. Paplauskas
Carlos Lopez, Chief of Staff
Robert Coupe, Director of Administration/Acting Personnel Director
Christopher Raswon, City Solicitor
Robert Strom, Director of Finance
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilman Aceto seconded by Councilman Farina, it was voted to dispense with the reading of the last meeting and they stand approved as recorded. Motion passed unanimously.

CORRESPONDENCE/COMMUNICATIONS

OLD BUSINESS:

7-15-04 Ordinance in amendment of Chapter 17.04.030 of the Code of the City of Cranston, 2005, entitled “Zoning” (Definitions 2015). (Cont. 9/17/2015 & 10/15/2015). [\[click to view\]](#) [\[click to view Planning Commission Recommendation\]](#) Cont’d for further Planning information.

Councilman Farina motioned to recommend approval of this Ordinance and Councilman Stycos seconded the motion for discussion purposes.

Under Discussion:

Councilman Stycos stated that he will not be supporting this Ordinance because of his concerns about the Schedule of Uses.

Councilman Aceto stated that when it comes to solar power, there is nothing in the Code that addresses this and we have to start somewhere.

Councilman Stycos stated that rather than putting a solar farm on good agricultural land, this would be better at the former Ceiba Geigy site. Maybe there should new categories for distribution centers.

Councilman Farina stated that by approving this it would not be rubber stamping any project. They would still have to go through reviews and through various boards. We leave it up to those board members, whom are appointed by the Council and Mayor, to make those decisions since they have the expertise.

Council Minority Leader Favicchio agreed with Councilman Farina that this is not rubber stamping any projects.

Roll call was taken on motion to recommend approval of this Ordinance and motion failed on a vote of 2-3. The following being recorded as voting “aye”: Councilmen Aceto and Farina -2. The following being recorded as voting “nay”: Council Majority Leader Archetto, Councilman Stycos and Council President Lanni -3.

7-15-05 Ordinance in amendment of Chapter 17.20.030 of the Code of the City of Cranston, 2005, entitled “Zoning” (Schedule of Uses). (Cont. 9/17/2015 & 10/15/2015). [\[click to view\]](#) [\[click to view Planning Commission Recommendation\]](#). Continued for further planning Information.

Councilman Farina motioned to recommend approval of this Ordinance. Council President Lanni seconded the motion for discussion purposes.

Under Discussion:

Public Speakers:

Douglas Doe, Chair of Conservation Commission, appeared to oppose to this proposed project. He recommended that this be forwarded back to the Planning Commission for new individual proposals if it is for a solar power with proper explanation.

Steve Carrera, member of the Zoning Board of Review, appeared to speak and opposed to this Ordinance. He stated that the way this Ordinance is drafted now, it would take power away from the Zoning Board of Review. As a Board, he feels that they are doing a good job.

Heather Thibodeau, 137 Blackamore St., appeared to speak and stated that by using farmland, there is environmental impact and truck traffic with solar panels. There are other places in the City that could be used for solar panels. There should be more public dialogue regarding this.

Peter Lapolla, City Planner, appeared to speak and stated that what is being proposed is a Zone Change. Some of this land may be used for farm. The question is not using this land for solar farm, but how you wish to use the land. He did agree that there would be an impact and there would be truck traffic, but there is impact on all developments.

Lisa Gibb, 45 Rose Ave., appeared to speak and read a letter from Annmarie Bruun, Vice-President of West Bay Land Trust, who is opposed to this proposal. She asked that more discussions be held regarding this issue.

Michael Sepe, 95 Massachusetts St., appeared to speak and asked that the Council not make haste decisions and take power away from the Zoning Board of Review.

Lawrence Weir, 541 Hope Rd., appeared to speak and stated that this does not belong in a residential area. A solar plant would destroy the aesthetic of that area.

Councilman Farina stated that to call this a plant is not true. This is a solar farm. There are no batteries on the site. This is a temporary option. In 25 years, the land will go back to its original use. This will not be seen from the street.

Councilman Aceto addressed the Administration or Solicitor and asked that since these two Ordinances are tied and the first did not pass, why would we consider passing this Ordinance? Mr. Coupe stated that if this Ordinance was to pass, the full City Council would have the option of approving uses that are not defined in the Ordinances. If this Ordinance was to pass, the Administration would have to come back as a matter of policy, with a new Ordinance for definitions.

Councilman Stycos stated that this proposal would allow certain things by right without any public hearing or special use by the Zoning Board of Review or any consideration of how close residential homes are to a project. He recommended that this be forwarded back to the Planning Commission for them to review what implications there would be of these uses that would not allow problems to the residents.

Council President Lanni stated that we have to look at this one more time. We may not please everyone, but we have to please the majority. He also agreed that this be forwarded back to the Planning Commission for further review.

Council Minority Leader Favicchio stated that as to impact, he would think that building homes on this property would create a lot of noise, a lot of truck problems for years, where solar farm, once it is done, it sits there for 25 years. There would be no noise. He thinks this should go before the full city Council at some point because there are Wards in the City that are not represented on this Committee.

Councilman Paplauskas stated that as to solar farm, we have the opportunity to preserve land for 25 years. He agreed with Council Minority Leader Favicchio as to the impact where building homes would be more of an impact than solar farm.

Councilman Farina stated that sending this back to the Planning Commission would not be a smart move. They are the ones that sent it to us. He suggested the possibility of setting up a sub-committee to discuss this further. The Planning Commission will just send it back to us the same way.

Council Majority Leader Archetto stated that the way this Administration has presented this proposal is bypassing certain elected bodies, such as the City Council and the Zoning Board of Review. He will not be supporting this Ordinance.

Councilman Aceto questioned whether the City Council should get involved in zoning issues.

Council President Lanni stated that he will be voting against this Ordinance and would be in favor of referring it back to the Zoning Board. Councilman Aceto stated that he would agree to that and also to set up a committee to work with them. Council President Lanni agreed and also suggested Councilmen Aceto, Farina and Council Vice-President Santamaria serve on that sub-committee. Council Majority Leader Archetto asked that the City Council members be asked who would like to serve on this sub-committee and have balance representation of each Ward. Councilman Farina stated that he would like to serve on this committee. Councilman Stycos stated that he would like to have a special meeting of the Ordinance Committee so everyone can participate. Chair stated that he will set a date after this meeting. Council Minority Leader Favicchio stated that he would rather have this done before the full City Council since this is a Zone Change and certain Council members would not have voting rights. Councilman Aceto recommended having a special public workshop with Council members, Planning Commission and Zoning Board of Review.

Roll call was taken on motion to recommend approval of this Ordinance was taken and motion failed on a vote of 1-4. The following being recorded as voting "aye": Councilman Farina -1. The following being recorded as voting "nay": Council Majority Leader Archetto, Councilmen Aceto, Stycos and Council President Lanni -4.

8-15-02 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Handicap and Disabled Parking Space Permits). Sponsored by Councilman Stycos. (Cont. 9/17/2015). [\[click to view\]](#) [\[click to view Traffic Engineer Report\]](#)

On motion by Councilman Stycos, seconded by Councilman Aceto, it was voted to continue this Ordinance. Motion passed unanimously.

PUBLIC HEARINGS/NEW BUSINESS:

10-15-01 Ordinance in amendment of Title 10, Chapter 12 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Depot Closure). Sponsored by Councilman Stycos. [\[click to view\]](#)

Councilman Stycos asked if this could be done administratively rather than by Ordinance. Mr. Coupe stated that, per the Public Works Director, Depot Ave. does not cross the bike path. He would recommend placing a cement barrier at the end of Depot Ave. and we do not need an Ordinance to do that.

Councilman Stycos withdrew this Ordinance based on information provided by Mr. Coupe.

Discussion took place on setting up a workshop meeting to discuss the Schedule of Uses issue.

Chair stated that since the Flood Committee is not meeting in November and December, a workshop meeting could be held on the third Wednesday of either month.

Council President Lanni stated that he would like Mr. Lapolla present at that meeting. Mr. Lapolla stated that if the Council would like to meet with him, that would be fine, but if the Planning Commission is needed, he would have to check with them to see if they are available. Council President Lanni stated that meeting with Mr. Lapolla and Jason Pezzullo, Principal Planner, would be fine.

Chair announced that a special Ordinance Committee meeting was scheduled for Wednesday, November 18th at 6:30 p.m. to discuss issues pertaining to the Comprehensive Plan.

The meeting adjourned at 7:30 P.M.

Respectfully submitted,



Rosalba Zanni
Assistant City Clerk/Clerk of Committees

*Read at Ordinance
Committee 11/12/2015
by Jim Giff*

To Members of the Ordinance Committee,

I am writing regarding the reconsideration of the ordinance changes proposed for A80 zones governing alternative energy generation and other previously prohibited uses, including animal day care and metal plating.

My interest in particular is with the solar generation facility which would be allowed under the changes on the property on Hope Road, which has received much attention in the press and at the Ordinance Committee meeting earlier this month. While the focus has been on the appropriateness and feasibility of that project, there really are two separate issues: one is the necessity of such a wide-ranging change to all A80 zone usage and whether such uses would comply with the Comprehensive Plan, and the second is whether the siting of the RES project conforms to the stated objectives of the plan. The project would not even be considered without the zoning change, so my concern is with that issue first and foremost.

City Planner Peter Lapolla has known about the proposed solar installation for quite some time, yet the Commissioners were not informed that the changes they were being asked to recommend to the Ordinance Committee were prerequisite to this project going forward. Mr. Lapolla told me at the Ordinance Committee meeting that the developer came to him "in confidence" and that is why the commission, committee and other interested parties (i.e., the West Bay Land Trust) were not told about it. Yet the administration was told, and apparently engaged in talks with the developer regarding the project, including possible tax incentives. Why was this important fact kept secret from the commission and the public? If this is truly a "great project", to quote Robert Coupe, it should stand on its merits and bear scrutiny by those charged with enacting the policies that govern land use in our city.

I question why Mr. Lapolla would tell me that there were no other "appropriate" sites in the city that RES could be steered towards which were already zoned commercial or industrial that would support such a use, land that has the infrastructure and access for construction, not on a rural road in the middle of a conserved agricultural and forested area.

As a 25 year resident and taxpayer, I would prefer the careful consideration of the proposed changes to the "act in haste, repent at leisure" fate of projects such as the Cullion Concrete plant, which ended up costing the city millions of dollars and causing years of consternation in the surrounding community.

I am concerned that you are being asked to approve uses that may have a negative impact on a large percentage of residential areas of Cranston, and that the consequences of these changes had not been fully explicated before the recommendation was made. I feel that more questions and discussion are necessary to ensure that a fully informed recommendation can be considered.

I apologize for not getting this letter to you earlier, but I was unable to get any contact information for the commissioners from the city website, or from the Planning Department without revealing my identity or the purpose of my request. I find this secrecy and control of information by the planner to be inimical to the letter and intent of open government laws, and ask that these policies be reviewed by the commission.

I hope that you will consider my points of inquiry and study these matters further before making your decision.

Respectfully,

Annemarie Bruun
Vice President
West Bay Land Trust

Allan W. Fung
Mayor

Peter S. Lapolla
Planning Director



CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

Michael Smith
Chairman

James Moran
Vice Chairman

Ken Mason, P.E.
Mark Motte
Gene Nadeau
Robert Strom
Frederick Vincent
Lynne Harrington
Kimberly Bittner

RECEIVED
15 AUG -5 PM 3:32
CRANSTON
CITY CLERK

August 5, 2015

Council President Lanni
Cranston City Hall
869 Park Avenue
Cranston, RI 02910

RE: Ordinance 07-15-04 In Amendment of Chapter 17.04.030 of the Code of the City of Cranston, 2005, Entitled 'Zoning' (Definitions - 2015)

Dear Council President Lanni:

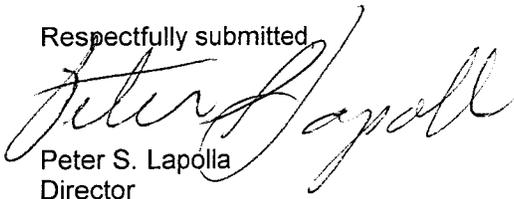
On August 4, 2015, the above referenced ordinance was reviewed by the City Plan Commission for the purpose of providing the Council with an advisory recommendation, as required by Section 45-24-52 of the Rhode Island General Laws and Section 17.120.030 of the Cranston Zoning Code.

In 2012, the Planning and Building Departments sponsored a comprehensive revision of Section 17.20.030 Schedule of Use of the Zoning Code. During the adoption process, staff from both the Planning and Building Departments indicated that the ordinance being considered by the City Council represented both Departments best efforts but that it was not perfect. At the time of adoption, a commitment was made to revisit the Schedule of Uses and the Definitions on a periodic basis to suggest amendments based on the City's experience working with the Uses. Ordinance 7-15-04 (Definitions) provides the corresponding definitions for each use changed or proposed.

Again, the Commission would note that both the changes to the use table and the definitions are based on both the Planning and Building Departments experience with working with the current use table. The changes include uses that should have been originally included such as Animal Day Care, Distribution Center, Motor Vehicle Storage, Motor Vehicle Repair & Service Establishment Heavy Container Storage and Upholstering Shop; uses that should have originally be excluded Solid Waste Transfer Facility; changes to existing uses as to how they are authorized; Metal Plating and changes to uses that reflect changes to technology; Alternative Electric Generation and Solar Power.

Upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Plan Commission unanimously voted (8/0) to make a favorable recommendation on this ordinance to the City Council.

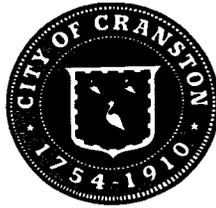
Respectfully submitted,



Peter S. Lapolla
Director

Allan W. Fung
Mayor

Peter S. Lapolla
Planning Director



CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

RECEIVED
15 AUG -5 PM 3:35
CRANSTON
CITY CLERK

Michael Smith
Chairman

James Moran
Vice Chairman

Ken Mason, P.E.
Mark Motte
Gene Nadeau
Robert Strom
Frederick Vincent
Lynne Harrington
Kimberly Bittner

August 5, 2015

Council President Lanni
Cranston City Hall
869 Park Avenue
Cranston, RI 02910

RE: Ordinance 07-15-05 In Amendment of Chapter 17.20.030 of the Code of the City of Cranston, 2005, Entitled 'Zoning' (Schedule of Uses)

Dear Council President Lanni:

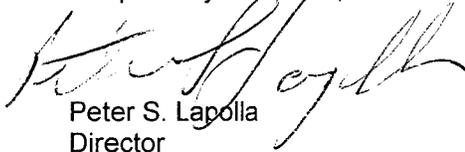
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In 2012, the Planning and Building Departments sponsored a comprehensive revision of Section 17.20.030 Schedule of Use of the Zoning Code. During the adoption process, staff from both the Planning and Building Departments indicated that the ordinance being considered by the City Council represented both Departments best efforts but that it was not perfect. At the time of adoption, a commitment was made to revisit the Schedule of Uses and the Definitions on a periodic basis to suggest amendments based on the City's experience working with the Schedule. Ordinance 7-15-05 (Schedule of Uses) represents the first update. The ordinance proposes to add several uses and to modify others. To expedite review, attached is a Schedule of Uses with the changes highlighted in red.

Again, the Commission would note that both the changes to the use table and the definitions are based on both the Planning and Building Departments experience with working with the current use table. The changes include uses that should have been originally included such as Animal Day Care, Distribution Center, Motor Vehicle Storage, Motor Vehicle Repair & Service Establishment Heavy Container Storage and Upholstering Shop; uses that should have originally be excluded Solid Waste Transfer Facility; changes to existing uses as to how they are authorized; Metal Plating and changes to uses that reflect changes to technology; Alternative Electric Generation and Solar Power.

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted (8/0) to make a favorable recommendation on this ordinance to the City Council.

Respectfully submitted,



Peter S. Lapolla
Director

attachment

Agricultural Operations	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
BUSINESS** +++																		
	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	EI	G	
Adult Day Care	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	Y	
Adult Entertainment (see Section 17.80.010)	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N	
Animal Day Care	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	
Animal Grooming Services	S	N	N	N	N	N	N	Y	Y	Y	S	S	N	N	N	N	N	
Antiques, Second Hand Shop, Consignment Shop	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N	
Artisan's Workshop [Studio]	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	S	S	N	Y	N	
Bakery, Retail	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	
Bakery, Wholesale	N	N	N	N	N	N	N	N	N	N	S	Y	Y	Y	N	N	N	
Bank, Financial Institution	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	S	S	N	Y	N	
Banquet Facility	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N	
Barber Shop, Beauty Salon	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N	
Body Art Establishment	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	
Book, Stationery, Gift Shop	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N	
Brew Pub	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	
Business, Professional Office	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N	
Business/Trade School	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N	
Car Wash	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	
Catering Service	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	
Check Cashing Facility	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N	
Commercial Day Care	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	Y	Y	
Commercial Off-Street Parking	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	
BUSINESS CONT.** +++																		
	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	EI	G	
Commercial Recreation	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	

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Communication Service & Broadcast Studio	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N
Convenience Store	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y	N
Crematory	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N
Day Spa	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Drive In Restaurant	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Drug Store	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y	N
Florist Shop	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N
Fuel Station Full Service	N	N	N	N	N	N	N	N	N	S	S	Y	Y	S	S	N	N	N
Fuel Station Minimart	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N	N	N
Funeral Home	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Garden Center	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	S	N	N
Hardware Store	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N
Health, Fitness Club	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Home Improvement Center	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Kennel	S	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N
Kiosk, Freestanding Exterior	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N	N	S	N
Landscape and Tree Services	S	N	N	N	N	N	N	N	N	N	N	N	Y	S	S	N	N	N
Laundromat	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Loft Space [Live/Work]	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N
Medical or Dental Clinic	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N
Medical/Diagnostic Laboratory	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Motel, Hotel	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	S	S	N	Y	N
Motor & Recreational Vehicle & Watercraft Sale	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Motor Vehicle Repair & Service Establishment, Minor/Light	N	N	N	N	N	N	N	N	N	N	S	YS	Y	S	S	N	N	N
Music & Dance Studio	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	Y	N
Night Club	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	S	S	N	N	N
Nursery	S	N	N	N	N	N	N	N	N	N	N	Y	Y	S	S	Y	N	N
Outdoor Retail	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N	N	N	N
Passenger Transportation Terminal	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N

← Formatted Table

Pawn Shop	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Personal Services Establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
BUSINESS CONT.** +++																	
	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	EI	G
Print Shop	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Restaurant without drive-in facility	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	S	S	N	N	N
Retail Laundromat & Dry-cleaning Establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Retail Sale Large Scale	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Retail Sale Small Scale	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Supermarket	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Tavern/Pub/Neighborhood Bar	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Theater, Movie Cinema	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y	N
Towing Operations w/Storage	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N	N
Urgent Care Facility	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Veterinarian Hospital or Clinic	S	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Watercraft, Motor & Recreational Vehicle Sale	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
INDUSTRIAL ** +++																	
	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	EI	G
Alternative Electric Generation	<u>NS</u>	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	S
Arts & Crafts Manufacturing	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
Asphalt, Cement or Concrete Plant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Automobile Body Repair Shop & Paint Shop	N	N	N	N	N	N	N	N	N	N	N	Y	S	S	N	N	N
Brewery or Distillery	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Commercial Laundry, Dry Cleaning Service	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Container Storage	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>
Contractor Yard	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
Data Processing Facility	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N

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Distribution Center	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Electronic & Computer Component Recycling	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N
Extractive Industries	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N
Food/Beverage Processing Establishment	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Foundry	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N
Hazardous Waste Landfill & Hazardous Waste Injection Well	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hazardous Processing Facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hazardous Waste Transfer Station, Incinerator	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
INDUSTRIAL CONT.** +++																		
	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	EI	G	
Industrial Equipment Rental	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
Manufacture Heavy	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N	N
Manufacture Light	N	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N
Manufacture of Rubber & Plastics	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Metal Plating	N	N	N	N	N	N	N	N	N	N	N	N	S	SY	SY	N	N	N
Motor Vehicle Repair & Service Establishment Heave	N	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N
Motor Vehicle Storage	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N
Outdoor Advertising, Billboards	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N	N
Paint Production	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Printing & Publishing	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Recycling Facility	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N
Research/Development Facility	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	S	N
Retail Heating Fuel Supplier	N	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N
Sanitation Services	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Self Storage, Mini-Storage	N	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N
Solar Power	Y	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N
Solid Waste Transfer Facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Telecommunications Antenna	S	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	S	S	Y
Telecommunications Tower	S	N	N	N	N	N	N	N	N	N	N	S	S	S	S	S	S	Y

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Trucking Terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Upholstering Shop	<u>N</u>	<u>S</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>									
Warehousing, Commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Welding Shop, Metal Fabrication	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N

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*The symbols have the following meanings:

- Y = use allowed by right
- S = use allowed by special permit
- N = use not allowed

**Any uses not listed herein are deemed not allowed

***For any use that requires a State license or permit, receipt of said license or permit shall be required as part of the definition.

++ USES AUTHORIZED ELSEWHERE IN THE USE TABLE

Massage Therapy Establishment

See Day Spa

Allan W. Fung
Mayor

Peter S. Lapolla
Director Planning



Michael Smith
President

James Moran
Vice Chairman

CITY PLAN COMMISSION
Cranston City Hall

Steven A Stycos,
Councilman Ward 1
Cranston, RI

RE: Plan Commission Response to October 27, 2015 Questions on Proposed Zoning Ordinance

Dear Councilman Stycos:

The City Plan Commission, at its November 3, 2015 meeting, discussed as an agenda item the your October 27, 2015 question regarding the proposed zoning ordinance currently before the Ordinance Committee. After due discussion, on a motion made by Commissioner Motte and seconded by Commissioner Nadeau, the City Plan Commission voted [8/1 Commissioner Harrington voting nay] to submit the following response to the questions,

1. *Why does the proposal endorse placing animal day care facilities in A-80 residential zone with a special permit when other businesses are prohibited? Did the commission consider the barking noise these facilities may generate? What types of signs will be allowed in residential areas if this proposal passes?*

The 2102 amendment to the Schedule of Uses authorized by special permit the following business uses in an A-80 zone:

- Animal Grooming Services
- Kennel
- Landscape Tree Service
- Nursery
- Veterinarian Hospital and Clinic.

The logic for authorizing these uses as a special permit is[was] that that A-80 zoning is largely restricted to western Cranston, has minimum lot size for A-80 is 80,000 SF and the uses could help support some of the farm activities provided they are properly sited. In that Animal Day Care Facility is a similar use to those above, it was treated in a similar fashion and also allowed by special permit. As for other business uses, given their more commercial nature, they would not be appropriate for a residential zone.

In zoning, use is universal and impacts from the use are site specific. Barking may or may not be a problem for a given site or a given building configuration. The ordinance proposes to make Animal Day Car a use by special permit in A-80 zone so that the Zoning Board of Review can consider the impacts generate by a specific project and on a specific site and approve or deny as appropriate.

There is no change in signage under proposed zoning amendment. In an A-80 zone, a total of 8 SF of signage is authorized as governed by Table 17.72.010(1).

2. *Why does this proposal allow animal day care facilities and solar power facilities in S-1 open space zones? Would this allow the city to rent parks for animal day care and power plants?*

Not all S-1 zoned land is owned by the City. The zoning amendment would authorize Animal Day Care and Solar Power on this land.

As for City owned land, the zoning amendment would authorize Animal Day Care and in particular Solar Power as uses on said lands. Authorization does not mean that the City is required to use the land for said uses. Control of city land rests with the City Council. If in its wisdom, the City Council feels that the use of a City owned site for solar power or for animal day care was not appropriate, it does not have to allow it.

3. *Why require a special permit for animal day care facilities in a C-5 zone, the heaviest of commercial zone, but not require it for less intense commercial zones?*

One of the underlying principals in authorizing uses through the Schedule of Uses is to reserve the City's limited industrially zoned land to industrial uses. In that C-5 is a transition zone, "Heavy Business/Industrial" and in that Animal Day Care is a business/service activity, the use is authorized by special permit.

4. *The proposal would allow alternative energy facilities in A-80 zones with a special permit. Would this include a wood burning plant? A tire burning plant? A trash incinerator? A wind farm? What types of facilities would be allowed?*

1. What is allowed as an alternative energy facility is control by its definition? The zoning ordinance defines Alternative Energy Facility as "Any facility or installation such as a windmill, hydroelectric unit or solar collecting or concentrating array, which is designed and intended to produce energy from natural forces such as wind, water, sunlight, or geothermal heat, or from biomass, for offsite use." Based on the definition, a wind farm and wood burning plant could be allowed by special permit. A trash incinerator and tire burning plant would not be allowed. In addition, please note that for a wood burning plant, said plant would have to meet DEM and EPA emission standard independent of any city actions.

5. *Where are solid waste transfer stations currently allowed in Cranston? Would this blanket ban prevent the city from opening its own composting station?*

A Solid Waste Transfer Facility is currently not allowed within Cranston by omission. Any use not listed within the Schedule of Uses is deemed not allowed. That being said, there are a number of uses within the Schedule of Uses that the City has singled out to prohibit outright. It was decided include solid waste transfer stations as one of these use. [Please note that Waste Management on Pontiac Avenue has license to operate a solid waste Transfer Facility but that use is currently inactive.] The zoning amendment proposes to define Solid Waste Transfer Facility as "a place or facility where nonhazardous solid waste materials are taken from a collection vehicle or dumpster, temporarily stored or stockpiled and placed in a transportation unit for movement to another facility." To the extent that composting is not a solid waste transfer station [and it is not], it would not be prohibited.

6. *Why is there no special permit required for metal plating facilities in M-1 and M-2 zones? Was this proposal introduced because the zoning board recently rejected a special permit request for a metal plating facility at the Cranston Print Works?*

As has been stated a number of times, metal plating facility was allowed by special permit simply because that was the way they have historically been treated in zoning ordinances. In 2012, the use was designated a special permit without considering changes to the regulatory regime and changes in technology with regards to metal plating. When the use table was amended in 2012, metal plating facility should have been designated as a use by right. The recent zoning action on the Cranston Print Works only helped highlight the error in the use table.

7. *Why are upholstering facilities only allowed in C-5 zones by right? Why not C-4? Why only by special permit in C-3? Why not in C-1 and C-2?*

The proposed changes to zoning envisioned two types of upholstering facilities: a small neighborhood type repair and resale shop that would be allowed in the City's C-3 zones and a larger more industrial upholstering use which would be more appropriate in an industrial zone. The use designations for C-2, C-5, M-1 and M-2 for were based on these assumptions.

8. *Does the Plan Commission think it is wise to allow solar power facilities in residential A-80 zones when there are no city regulations of such facilities, including decommissioning requirements?*

As has been noted at all the public meetings/ hearings on this matter, the decision to allow solar power as a use by right in A-80 zones was informed by the range of impacts that could be generated by such a project [virtually none]. A project proposing solar power use would be subject to a Development Plan Review where it would be reviewed at a public meeting and probably a Major Land Development where it would be reviewed at a public hearing. During their reviews, the Development Plan Review Committee and the City Plan Commission would identify impacts that may be created by a specific project on a specific site and would require mitigative measures to address those impacts. As part of the review process for a major land development, the Plan Commission informs all appropriate state agencies, such as the Department of Environmental Management, and seeks their comments/input. Please note that independent any City action, a project would be required to obtain all necessary state and federal permits which would add an additional layer of review. Given all of the above, it was felt that the creation of a separate set of performance standards within the zoning ordinance would not be required. Decommissioning can be treated as any other potential impact as a condition set for approval tailored to the site and project.

9. *What are the Plan Commission's thoughts about locating a solar power facility on agricultural land when industrial zone sites are available? Has the Plan Commission considered the implications of the loss of agricultural land to Cranston's economy, Cranston's agricultural heritage and Cranston's long term food supply?*

The proposed zone change authorizes solar power in A-80, S-1, GI, M-1 and M-2 zoning districts. This use designation is not mutually exclusive. If the City is going to help meet the future need/demand for renewable energy, it will require the use of land in all of these districts. It is in these zoning districts that there are parcels of land that can accommodate sizable solar farms.

For example, there is a current proposal to construct on 78 acres of land with 50 acres usable and that has proximity to the electric grid. The land is zone A-80 and is located in western Cranston. An alternative analyzing using the City's GIS indicates that there is no comparable vacant industrially zone land both in terms of size and location.

2.

It is important to note that no protection is currently provided for Cranston's agricultural land. Except of S-1 land, other zoning districts allow more intense development than solar power. Unless the City is willing to buy agricultural land in western Cranston either outright or through easement or create protections through zoning, the question is not if agricultural land will be lost but under what circumstances.

10. *Did the Plan Commission consider adopting a solar energy facility siting policy, such as prohibiting their location on prime agricultural land, when approving changes that will allow solar power facilities by right in A-80 and S-1 zones?*

It is important to note that the zoning amendment proposes a use change to A-80 and S-1 zoning districts. While within these districts there may be agricultural uses, agricultural uses are not protected by zoning. In an A-80 zone, the principal use authorized is single family residence with a minimum lot size of 80,000 SF. To the extent that zoning is a predictor of future land use, the A-80 land in western Cranston will eventually be developed as house lots. Again it is not a question of protecting said land for solar power but a question as to how the land will be developed. The Plan Commission would suggest that the conversion of A-80 land to residential development will be more intensive, have a greater impact and be permanent.

11. *In allowing distribution facilities by right in industrial zones, did the commission consider the potential impact of increased truck traffic to nearby residential zones? Where are distribution facilities currently allowed?*

1.

In assigning uses through the Table of Uses, use is universal. A use is either appropriate for a particular zone or it is not. The question of specific impacts that may be created by a use is parcel and project specific. With regards to truck traffic, for any given project, there may or may not be impacted residential street and there may or may not be a significant increase in truck traffic. Specific impacts on a specific site and for a specific project are addressed through the land use review process [Development Plan Review and Major Land Development] and the City has in place a policy to review and mitigate traffic through those review processes.

Distribution Facilities are currently not authorized through the Schedule of Uses.

12. *What is the reasoning behind the proposed changes in zoning for motor vehicle repair shops?*

Two changes have been proposed with regards to motor vehicle repair shops:

- The first change involves a change in name for a use that is already in the use table from "Motor Vehicle Repair and Service Establishment, Minor" to "Motor Vehicle Repair and Service Establishment, Light," and to allow it as a use by right in a C-4 zoning district [it is currently a special permit in C-4].
- The second change involves the creation of a new use "Motor Vehicle Repair and Service Establishment, Heavy." This use is currently authorized by reference in the Industrial Equipment Rental use. The proposed amendment would clearly authorize the use instead of by reference in that this use already exists in the industrial zones.

John P. Archetto

Cranston Comprehensive Plan Goals and Policies

For each element, goals address issues that were identified either in the inventory and analysis phase of the planning process, or through the public participation process. These goals are broad statements framed to indicate a desired future condition or action by the City of Cranston. Each goal is followed by one or more related policies and objectives, which are intended to help achieve the goal.

LAND USE GOALS (LUG) AND POLICIES (LUP)

LUP-2.5 Apply Smart Growth principles to include standards for density, mixed use, accessibility and quality of design.

LUG-1 Preserve the rural quality and critical resources of Western Cranston through appropriate land use controls.

LUP-1.1 Promote residential land use patterns that concentrate and compact development and maintain significant percentage of open space.

LUP-1.2 Preserve, in significant tracts, 20 per cent of the remaining open space in western Cranston, or 500 acres (exclusive of wetlands), through restrictions associated with clustering of future development or through purchase.

LUP-1.3 Preserve existing farmland and recreational open space areas through land use regulation and taxation policies.

LUP-1.4 *Preserve and enhance the quality of existing* valuable resources including wetlands, surface water, ground water, wildlife habitats and migration corridors, historic sites, scenic views and unique cultural resources.

LUG-13 Preserve scenic landscapes and view sheds.

LU-13.1 Establish a scenic preservation program to preserve scenic landscapes and view sheds.

LU-13.2 Identify roads for adoption as scenic roads.

See <http://www.cranstonri.com/pdf/3%20Land%20Use.pdf>, p.41

ELEMENT 5: NATURAL AND CULTURAL RESOURCES GOALS (NRG) AND POLICIES (NRP)

NRG-1 Protect and enhance Cranston's natural environment and resources. Establish a balance between natural resource protection and growth-related needs.

NRP-1.1 Establish watershed management plans in accordance with RIDEM standards to address potential pollution and to comply with NPDES Phase II requirements. Seek non-point source mitigation funds from the state to assist.

NRP-1.2 Seek federal and state Brownfield program assistance to promote the redevelopment of industrial and commercial areas.

NRP-1.3 Adopt a Transfer of Development Rights program to better manage development in western Cranston

NRP-1.4 Adopt a 'farm-based retail' overlay district.

NRP-1.5 Target and preserve open spaces that have value as scenic, agricultural, recreational, wetland, water, and wildlife resources.

NRP-1.6 Preserve and protect critical fish and wildlife habitat areas and areas containing rare and endangered species.

NRP-1.7 Preserve and protect environmentally sensitive natural resource areas, including prime farmlands, steep slopes, floodplains, watersheds, aquifers, shorelines, and coastal and inland

NRP-1.8 Direct new growth away from environmentally- sensitive areas such as wetlands, steep slopes, and soils that have severe limitations for on-site waste water disposal.

ELEMENT 7: OPEN SPACE AND RECREATION GOALS (OSG) AND POLICES (OSP)

To promote the preservation of the open spaces and recreational resources of each municipality and the state.

OSG-1 Target specific properties for capital improvements, especially properties to acquire, or otherwise control, along the Historic Scenic Farm Loop and the rivers to create continuous greenways and waterways.

OSP-1.1 Acquire lands along the rivers to ensure access to and protection of these natural resources.

OSP-1.2 Develop programs that will enhance the Farm Loop and promote it on a regional basis.

OSP-1.3 Designate new and expand protection of scenic roads in western Cranston.

OSP-1.4 Continue to invest in the City's Bicycle Network to expand and improve its functionality and quality.

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OSP-1.3 Designate new and expand protection of scenic roads in western Cranston.

OSP-1.4 Continue to invest in the City's Bicycle Network to expand and improve its functionality and quality.

Bay Land Trust, RIDEM, and other organizations to promote the benefits of acquiring and protecting land along and encompassed by this route, or nearby, at a regional scale. This will help support acquisition and management of additional properties. Furthermore, a Historic Farm Route zoning district should be adopted by the City Council to protect the remaining area farms. p. 153

Continued Acquisition of Open Space

The City has been very successful in establishing partnerships with local and regional non-profit groups to acquire and manage open space. The City should continue these partnerships with a particular focus on properties that link areas and uses such as the Historic Scenic Farm Route, the Cranston Bicycle Network, and the riverfronts. p.154

Open Space and Recreation Action Program p. 155

OS-1: Continue to acquire key potential open space parcels. Potential parcels are identified in the Open Space and Recreation Plan. Acquisition should be reserved for important parcels that cannot be protected by other means.

OS-2: Develop programs to enhance the Historic Scenic Farm Route (HSFR), and promote it on a regional basis.

OS-7: Employ a variety of tools to preserve environmentally sensitive land and open space and improve public recreation Tools such as:

- Fee simple acquisition
- Conservation easements
- Purchase of development rights
- Transfer of development rights
- Tax incentive programs
- Land donations

OS-12: Continue to promote acquisition and management of open space through partnerships with local and regional non-profit agencies such as the West Bay Land Trust

OS-17: Partner with local and regional non-profits to obtain and manage open space.

2015 October 29

178 Lippitt Ave.
Cranston, RI 02921

Councilman Mario Aceto
152 Locust Glen Drive
Cranston, RI 02921

Dear Councilman Aceto, *Chairman Archetto,*

The Ordinance Committee voted to present questions to the Planning Commission regarding proposed ordinances 07-15-4 and 07-15-05. The ordinances are about far more than just industrial solar power generating facilities. Ordinance 07-15-05 would allow wind turbines and biomass facilities in a residential zone with a special permit. Councilman Steve Stycos has raised a number of issues concerning changes unrelated to solar power.

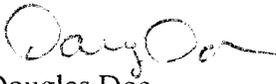
If the administration believes that farmland in Western Cranston should be converted to solar power generating facilities in complete contravention of the Comprehensive Plan, then they should have brought the issue before the public last spring or summer. They should have explained their reasons for doing so listing the perceived benefits, the necessary changes to the zoning ordinance, and possible impacts on the community. The Planning Commission and the public should have been given the opportunity to research and discuss the issues before the Commission voted on its recommendation. The administration chose not to do so and the current controversy is the result of their actions.

A member of the Planning Department told me that if the city owned the Pagliarini farm, they would still build the solar generating facility and they would not have a problem with the conversion of other farmland to solar power generating facilities. Do the goals and policies of the Comprehensive Plan mean anything?

Please consider presenting the attached questions to the Planning Commission.

Thank you for your attention to this matter.

Sincerely,


Douglas Doe

cc:

City Council President Lanni
Ordinance Committee Chairman Archetto

Questions to be submitted to the Planning Commission:

1)

How is the proposed ordinance compatible with goals of the Comprehensive Plan? Which specific goals and policies are compatible with the placement of Alternative Electric Generation facilities within the A-80 residential zoning district?

2)

The definition of Alternative Electric Generation includes “natural forces such as wind, water, sunlight, or geothermal heat, or from biomass, for off site use.” [17.04.030] What is a biomass facility and how is it compatible with a residential neighborhood?

Proposed ordinance 07-15-04 includes a new definition: “SOLAR POWER: Electrical power generated through the utilization of photovoltaic cells, non-mechanical semiconductor devices that convert sunlight into direct current electricity.” Under proposed ordinance 07-15-05, solar power would be allowed by right within the A-80 residential zone. Would an industrial solar power generation facility (1 MW or larger, for example) in the A-80 zone be allowed by right under the solar power definition or would a special use permit be required under the alternative electric generation definition and why? Is the solar power definition limited in size and scope?

3)

If the ordinance is approved, does it alter the “purposes and intent of the Comprehensive Plan?” How is an Alternative Electric Generation facility considered a use “consistent with the residential use of the district.” The Special Permit ordinance lists specific requirements for wireless service facilities. [17.92.020 (A.4)] Why hasn't the Planning Department, at the very least, adopted specific requirements for Alternative Electric Generation facilities? [questions based upon the Special Permit ordinance.]

4)

Which current sections of the Zoning ordinance would control the construction of Alternative Electric Generation facilities? Why doesn't Cranston need a specific Alternative Electric Generation ordinance to control their construction as is being done in North Kingstown and in other communities across the country? For example, what are the height restrictions on wind turbines in residential neighborhoods?

5)

Does the Planning Department and the Commission comprehend the amount of construction traffic generated by the building of the facilities listed under Alternative Electric Generation? Is the level of industrial construction traffic required appropriate for a residential neighborhood?

6)

Many Alternative Electric Generation facilities require the erection of chain link security fences along the perimeter. Given the large number of deer in Western Cranston, how would the placement of lengthy security fences along the rural wooded roads affect the movement of deer along and across the roads? Both my wife and neighbor have struck deer while driving on Hope Road so this is a serious safety concern.